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PTO/RSB (04-05)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Application Number	10/822,276
Filing Date	04/12/2004
First Named Inventor	JAMES ALFRED WHITE
Art Unit	3724
Examiner Name	KENNETH E. PETERSON
Attorney/Agent Number	

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unexamined amendments and arguments entered with the RCE will be entered in the order in which they were filed unless applicant indicates otherwise. If applicant does not wish to have any previously filed unexamined amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☒ Consider the arguments in the Appeal Brief or Reply Brief previously filed on 03/19/2008

ii. ☐ Other \_\_\_\_\_

b. ☐ Entered

i. ☐ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Attorney/Agent Declaration(s)

iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension did not exceed 3 months. Fee under 37 CFR 1.17(b) required)

b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 CFR 1.17(c) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to

a. ☐ Deposit Account No. \_\_\_\_\_. I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 CFR 1.17(c)

ii. ☐ Extension of time fee (37 CFR 1.123 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☒ Check in the amount of \$ 405.00 enclosed

c. ☐ Payment by credit card (Form PTO-2053 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2053.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<u>James Alfred White</u>	Date	<u>05/05/2008</u>
Name (Print/Type)	<u>JAMES ALFRED WHITE</u>	Registration No.	

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage so that same shall be an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or be mailed to the U.S. Patent and Trademark Office on the date shown below.

Signature	<u>Deane T. Young</u>	Date	<u>5/5/2008</u>
Name (Print/Type)	<u>DEANE T. YOUNG</u>		

This section of information is required by 37 CFR 1.114. This information is required to attach or file a form by the public which is to be (and by the USPTO to process) an application. Confidentiality is provided by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This section is intended to be 12 sections to complete, including enclosing, preparing, and submitting the completed application form to the USPTO. This will vary depending upon the individual case. Any comments on the amount of time you require to complete this form under regulations for submitting this form, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-0123 and select option 2.



**Application Control Number: 10/822,276**

**Art Unit: 3724**

**Request for Continued Examination**

**Request for Continued Examination is hereby made per Consolidated Patent Rule 1.114 in reply to Advisory Action of 04/22/2008 to place this application in condition for allowance.**

**Previously filed amendment submitted 03/19/2008 was provided in support of patentability of the apparatus of the invention and is requested to be reviewed.**

**Request for Continued Examination Fee per 1.17(e) and 1.27(a) as a small entity in the amount of \$405.00 is included.**